

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

United States of America,  
Plaintiff,

vs.

Case No. 14-10098-JTM

Cynthia Bright,  
Defendant.

MEMORANDUM AND ORDER

In 2014, defendant Cynthia Bright was convicted of bank fraud and sentenced to 70 months imprisonment, based in part on loss calculations reflected in U.S.S.G. § 2.B.1. (Dkt. 18, at 14). The matter is before the court on Bright's motion to modify her sentence in light of amendments to § 2.B.1 adopted in 2015.

Under 18 U.S.C. § 3582(c), the court can only consider Guidelines amendments which the Sentencing Commission has explicitly made retroactive. The Commission has not made the 2015 amendments to § 2B1.1 retroactive. U.S.S.G. app. C, amends. 791, 792. Indeed, the U.S. Sentencing Commission explicitly stated that the offenses committed before November 1, 2015 are governed by the previous loss tables. U.S.S.G. app. C, amend. 791. *See United States v. Walker*, 818 F.3d 416, 424 (8th Cir. 2016). Accordingly, the court

must consider the Guidelines as they existed at the time of the original sentencing, 18 U.S.C. § 3742(b)(1), and the court is thus without jurisdiction to grant the relief sought.

IT IS ACCORDINGLY ordered this 24th day of June, 2016, that the defendant's Motion for Reduction is hereby denied.

s/ J. Thomas Marten  
J. THOMAS MARTEN, JUDGE